

**REMARKS**

**Status of the Claims**

Claims 1-40 were originally pending in the application.

Claims 1-40 were subject to a restriction requirement.

By way of the amendment filed October 3, 2005, claims 7-9, 14, 15 and 23-40 were canceled, claims 1-6, 10, 12, 13 and 16 were amended and new claim 41-67 were added.

Upon entry of amendment filed October 3, 2005, claims 1-6, 10-13, 16-22 and 41-67 were pending.

An Official Communication was mailed December 6, 2005 notifying Applicants that an election of species was required.

By way of this amendment, claims 3-6 are canceled, claims 1, 2, 55 and 57 are amended and new claims 68-81 are added.

Upon entry of this amendment, claims 1,2, 10-13, 16-22 and 41-81 will be pending.

**Summary of the Amendment**

Claims 1, 2, 55 and 57 have been amended to more clearly set forth the subject matter of the invention. Claim 1 has been amended to more specifically define the invention. Claim 2 has been amended to concisely word the claim. Claim 55 has been amended to be a dependent claim. Claim 57 has been amended to correct an error in the dependency as originally filed.

New claims 68-81 have been added to more specifically correspond to the elected species. New claims 68-74 correspond to Group III (which upon entry of the amendment shall encompass claims 1, 2, 10-13, 41-47, 55-60 and 68-74). New claims 75-81 correspond to Group VI (which upon entry of the amendment shall encompass claims 16-22, 48-54, 61-67 and 75-81).

**Restriction Requirement and Election of Species**

In the Response filed October 3, 2005 Applicants provisionally elect Group III, claims 9-15, (now claims 1-6, 10-13, 41-47 and 55-60) directed to nucleic acid molecules encoding a

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protein free of the CD80 C domain, and vectors and compositions thereof, and requested that the USPTO reconsider the requirement for restriction with respect to Group VI which is directed to the use of the compositions of elected Group III. Applicants urged that the addition of Group VI in the examination would not present an undue burden on the Office, and that the methods claimed in Group VI represent independent and distinct inventions which are related to the compositions in elected Group III since the compositions of Group III are used to practice the methods of Group VI. Accordingly, Applicants urged that under 37 CFR and the PCT rules Groups III and VI should be considered to have unity of invention. Accordingly, Applicants respectfully requested that in addition to provisionally elected Group III (claims 1-6, 10-13, 41-47 and 55-60), Group VI (claims 16-22, 48-54 and 61-67) be examined.

The Official Communication mailed December 6, 2005 further noted that Applicants failed to elect a single disclosed species for initial examination.

Applicants respectfully elect that the species set forth in claim 69 be initially examined on the merits. This species was encompassed within claim 55 and is supported throughout the specification such as on page 6. All of the other claims that will be pending upon entry of the amendment read on the elected species.

#### **Conclusion**

Claims 1, 2, 10-13, 16-22 and 41-81 are in condition for allowance. An indication of allowability and a Notice of Allowance are earnestly solicited.

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Respectfully submitted,



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